

# **EXHIBIT E**



U.S. Department of Justice

Civil Division, Fraud Section

601 D Street, NW  
Washington, D.C. 20004

Telephone: (202) 305-3326  
Telecopier: (202) 616-3085

Via Courier or Over-night Delivery

February 12, 2009

David Torborg  
Jones Day  
51 Louisiana Ave., N.W.  
Washington, DC 20001-2113

Eric Gortner  
Kirkland & Ellis  
200 East Randolph Drive  
Chicago, Illinois 60601-6636

Neil Merkl  
Kelley Drye & Warren, LLP  
101 Park Avenue  
New York, NY 10178

Re: Average Wholesale Price Multi-District Litigation  
MDL No. 1456/C.A. No. 01-12257-PBS (D. Mass.)

Dear Counsel:

Enclosed please find material originating from the Office of Legislation, CMS.

Thank you for your attention.

Very Truly Yours,

/s/

Claire Norsetter  
Paralegal Specialist  
Commercial Litigation Branch

Enclosures  
cc: George B. Henderson